



Appeal Decision

Site visit made on 18 February 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2025

Appeal Ref: APP/M5450/W/24/3351574

Green Court, Orley Farm Road, Sudbury, Harrow HA1 3PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Sunil & Rhisha Patel against the Council of the London Borough of Harrow.
 - The application Ref is PL/0798/23.
 - The development proposed is hard standing and retaining wall.
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Decision

1. The appeal is allowed, and planning permission is granted for hard standing and retaining wall at Green Court, Harrow, Sudbury HA1 3PG in accordance with the terms of the application, Ref PL/0798/23, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: 2123/10 Rev A.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with subsequent further minor revisions. Those parts of the Framework most relevant to this appeal have not been substantially amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The description of development in the banner heading above is taken from the application form. I have not included the reference to retention and modification as these are not development. However, from the evidence submitted, and from my site visit, the development has commenced. I have, therefore, dealt with the appeal on a retrospective basis.

Background and Main Issue

4. The appeal is submitted against the failure of the Council to determine the planning application within the statutory timescale. No statement of case has been submitted by the Council.
5. Nevertheless, from the evidence before me, the appeal relates to the creation of a hard standing and the construction of a wall within the South Hill Avenue Conservation Area (the CA). Within the CA, the Council of the London Borough of Harrow has introduced a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, removing the

rights permitted under Schedule 2, Part 1, Class F and Part 2 relating to the provision of hard surfaces and walls within the curtilage of a dwellinghouse and the laying of a means of access.

6. Given the above background I find that the main issue is whether the development would preserve or enhance the character or appearance of the South Hill Avenue Conservation Area.

Reasons

7. Green Court lies within the CA. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) provides, at section 72(1), that with respect to any buildings or other land, in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
8. The South Hill Avenue Conservation Area Study (the CA Study) notes that the area is a particularly lush and pleasant part of Harrow on the Hill. I consider that the significance of the CA is derived, in part, from the quiet suburban area of large dwellings set in densely planted gardens with lush boundaries which are set within a green backdrop provided by the Metropolitan Open Land. The area has a 'Garden Suburb' feel which is pleasant and open. Part of the character of the area is due to the lack of through roads, the wide grass verges, and the generous spacing of the houses.
9. The appeal property currently contributes positively to the CA by reason of being one of the large, detached, houses set within a verdant landscaped garden and behind a well-established roadside hedge boundary and wide grass verge. The appeal relates to the provision of a hard surfaced driveway which has been installed as a grey concrete surface, stamped with a textured appearance, and the construction of a wall.
10. Paragraph 9.2 of the CA Study notes that most driveways are constructed of informal materials such as pea-shingle which complements the general visual quality. However, this was not my impression on walking around the area. I saw a variety of driveway surfaces within the CA including the red brick pavements and crazy paving that are noted as harmful in the CA Study. I also saw other grey hard surfaced finishes, pea-shingle gravel, and bound gravel. There is no consistency to the materials or colours used for surfacing of driveways within the CA and this contributes to the variety within the area that is led by the varied house designs.
11. The same paragraph of the CA Study considers that the hard surfaced driveways do not integrate well with the otherwise soft, well-planted, and informal layout of the CA. Section 12 of the CA Study also notes hard surfaced drives as being at odds with the 'Garden Suburb' and an area of potential enhancement. However, neither section expands on why.
12. In my judgement, the hard surfaced driveways, including the one at the appeal property, contribute positively to the character and appearance of the CA. The appeal scheme has made a positive contribution as it has been carried out well and retains the green and pleasant appearance of the street scene and the wider area. The wall, which runs from the side of the garage and around part of the rear garden, is wholly within the appeal site and not visible from the public highway,

even from the gap created by the driveway. The retaining wall, therefore, has no effect on the character or appearance of the CA.

13. The South Hill Avenue Management Study (the Management Study) seeks to protect the special character of the CA through specific policies and controls. Section 2.1 notes that planning permission will be required for hard surfaced driveways and that advice and guidance will be given to attempt to make enhancements. However, there are no specific policies within the Management Study to require the use of any particular surface finish within the CA. Policy 3 requires development to preserve and enhance the character of the CA through, amongst other matters, respecting the existing layout and historic form of the townscape and street scene. For the above reasons, I find no conflict with the Management Study.
14. The Harrow on the Hill Conservation Areas Supplementary Planning Document, May 2008 (the SPD) advises that the Article 4 Directions are to control minor works that cumulatively can severely detract from the character and appearance of the CA if done poorly. The SPD advises that there is a desirability for porous alternatives to impermeable materials to soak up rainfall to reduce flooding. Although the appeal scheme is not of a porous material the driveway has been installed with drainage to ensure that there is no increase in surface water run-off or flooding. The appeal would, therefore, comply with the aims of the SPD in regard to flooding. Moreover, the appeal scheme has been done well and, even cumulatively with other hard surfaced driveways would not detract from the character and appearance of the CA.
15. For the above reasons, I find that the development would preserve the character and appearance of the South Hill Avenue Conservation Area. It would, therefore, comply with policies CS1 and CS3 of the Harrow Core Strategy, February 2012, which, taken together, seek to resist development that would harm the character of suburban areas, requires development to respond positively to the local and historic context, and seeks to protect and enhance heritage assets.
16. For the same reasons, the scheme would also comply with Policies DM1, DM7 and DM23 of the Harrow Council Development Management Policies, July 2013. Collectively these policies seek to ensure that development is of a high standard, conserve heritage assets, and require proposals for the provision of substantial hard surfacing to respect the character of the area.

Conditions

17. No conditions have been requested by the Council. Conditions relating to standard time limit for commencement of development and materials to be used are not relevant or necessary given that the development has already been commenced. However, I have imposed a condition approving the plans for the avoidance of doubt and in the interests of proper planning.

Conclusion

18. For the reasons given above the appeal should be allowed, and planning permission should be granted subject to the listed condition.

K Townend

INSPECTOR